
From: Janice McCoy
Sent: Tuesday, November 09, 2010 8:56 AM
To: Logan Spence; Jeff Jeter; Katie Ogden; Casey Kelley; Dave Nelson; Margie McCloskey; Jennifer Fagan; Jonathan Stinson; Ginger Murray; Jason Baxter; Holly Deshields; Noe Barrios
Cc: Julia Rathgeber; Bryan Hebert
Subject: RE: Voter ID - SB 178
Attachments: 11-8-10 Photo ID Final Final Draft.docx

Sorry I forgot the attachment yesterday. I was late in leaving to get Ben & Ella and in the rush didn't attach it. The bill language is in TLIS, but here is the attachment as an FYI.

Janice

From: Janice McCoy
Sent: Monday, November 08, 2010 3:50 PM
To: Logan Spence; Jeff Jeter; Katie Ogden; Casey Kelley; Dave Nelson; Margie McCloskey; Jennifer Fagan; Jonathan Stinson; Ginger Murray; Jason Baxter; Holly Deshields; Noe Barrios
Cc: Julia Rathgeber; Bryan Hebert
Subject: Voter ID - SB 178

All -

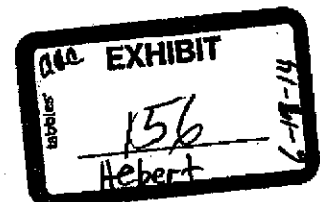
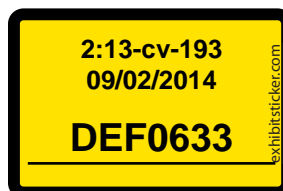
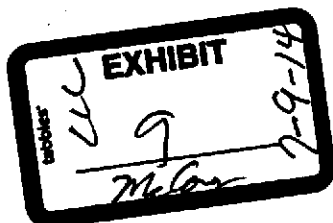
Attached is the voter ID bill that I just filed.

After a late discussion with the Lt. Governor's office, I deleted SECTION 18 of the draft I sent earlier because of concerns that it might violate the two-subject rule. This section dealt with increased penalties for voter registration fraud not voting. The increased penalties for voter fraud in SECTION 14 are still in the bill.

Let me know if you have any questions,

Thanks,

Janice



HIGHLY CONFIDENTIAL

TX_00090532

By: _____

S.B. No. _____

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requirements to vote, including presenting proof of
3 identification; providing criminal penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter A, Chapter 15, Election Code, is
6 amended by adding Section 15.005 to read as follows:

7 Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS. (a) The
8 voter registrar of each county shall provide notice of the
9 identification requirements for voting prescribed by Chapter 63 and
10 a detailed description of those requirements with each voter
11 registration certificate issued under Section 13.142 or renewal
12 registration certificate issued under Section 14.001.

13 (b) the secretary of state shall prescribe the wording of the
14 notice to be included on the certificate under this section.

15 SECTION 2. Subsection (a), Section 15.022, Election Code, is
16 amended to read as follows:

17 (a) The registrar shall make the appropriate corrections in
18 the registration records, including, if necessary, deleting a
19 voter's name from the suspense list:

20 (1) after receipt of a notice of a change in registration
21 information under Section 15.021;

22 (2) after receipt of a voter's reply to a notice of
23 investigation given under Section 16.033;

24 (3) after receipt of a registration omissions list and
25 any affidavits executed under Section 63.006, ~~162.004~~, following
26 an election;

1 (4) after receipt of a voter's statement of residence
2 executed under Section 63.0011;

3 (5) before the effective date of the abolishment of a
4 county election precinct or a change in its boundary;

5 (6) after receipt of United States Postal Service
6 information indicating an address reclassification;

7 (7) after receipt of a voter's response under Section
8 15.053; or

9 (8) after receipt of a registration application or change
10 of address under Chapter 20.

11 SECTION 3. Subchapter A, Chapter 31, Election Code, is amended
12 by adding Section 31.012 to read as follows:

13 Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The
14 secretary of state and the voter registrar of each county that
15 maintains a website shall provide notice of the identification
16 requirements for voting prescribed by Chapter 63 on each entity's
17 respective website. The secretary of state shall prescribe the
18 wording of the notice to be included on the websites.

19 (b) The secretary of state shall conduct a statewide effort to
20 educate voters regarding the identification requirements for voting
21 prescribed by Chapter 63.

22 SECTION 4. Section 32.111, Election Code, is amended by
23 adding Subsection (c) to read as follows:

24 (c) The training standards adopted under Subsection (a) must
25 include provisions on the acceptance and handling of the
26 identification presented by a voter to an election officer under
27 Section 63.001.

28 SECTION 5. Subsection (a), Section 32.114, Election Code, is

1 amended to read as follows:

2 (a) The county clerk shall provide one or more sessions of
3 training using the standardized training program and materials
4 developed and provided by the secretary of state under Section
5 32.111 for the election judges and clerks appointed to serve in
6 elections ordered by the governor or a county authority. Each
7 election judge shall complete the training program. Each election
8 clerk shall complete the part of the training program relating to
9 the acceptance and handling of the identification presented by a
10 voter to an election officer under Section 63.001.

11 SECTION 6. Chapter 62, Election Code, is amended by adding
12 Section 62.016 to read as follows:

13 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE
14 POLLING PLACES. The presiding judge shall post in a prominent place
15 on the outside of each polling location a list of the acceptable
16 forms of identification. The notice and list must be printed using
17 a font that is at least 24-point.

18 SECTION 7. Section 63.001, Election Code, is amended by
19 amending Subsections (b), (c), (d), and (e) and adding Subsection
20 (g) to read as follows:

21 (b) On offering to vote, a voter must present to an election
22 officer at the polling place one form of identification listed in
23 Section 63.0101 [the voter's voter registration certificate to an
24 election officer at the polling place].

25 (c) On presentation of the documentation required by
26 Subsection (b) [a registration certificate], an election officer
27 shall determine whether the voter's name on the documentation
28 [registration certificate] is on the list of registered voters for

1 the precinct.

2 (d) If the voter's name is on the precinct list of registered
3 voters and the voter's identity can be verified from the
4 documentation presented under Subsection (b), the voter shall be
5 accepted for voting.

6 (f) After determining whether to accept a voter, an election
7 officer shall return the voter's documentation [registration
8 certificate] to the voter.

9 (g) If the requirements for identification prescribed by
10 Subsection (b) are not met, the voter may be accepted for
11 provisional voting only under Section 63.011. For a voter who is
12 not accepted for voting under this section, an election officer
13 shall:

14 (1) inform the voter of the voter's right to cast a
15 provisional ballot under Section 63.011; and

16 (2) provide the voter with written information, in a form
17 prescribed by the secretary of state, that:

18 (A) lists the requirements for identification;

19 (B) states the procedure for presenting
20 identification under Section 65.0541;

21 (C) includes a map showing the location where
22 identification must be presented; and

23 (D) includes notice that even if all procedures are
24 followed, there is no guarantee a provisional ballot will be
25 accepted.

26 SECTION 8. Subsection (a), Section 63.0011, Election Code, is
27 amended to read as follows:

28 (a) Before a voter may be accepted for voting, an election

1 officer shall ask the voter if the voter's residence address on the
 2 precinct list of registered voters is current and whether the voter
 3 has changed residency within the county. If the voter's address is
 4 omitted for the precinct list under Section 18.005(c), the officer
 5 shall ask the voter if the voter's residence, if [as] listed, on
 6 identification presented by the voter under Section 63.001(b) [the
 7 voter's voter registration certificate] is current and whether the
 8 voter has changed residence within the county.

9 SECTION 9. Chapter 63, Election Code, is amended by adding
 10 Section 63.0012 to read as follows:

11 Sec. 63.0012. NOTICE OF IDENTIFICATION REQUIREMENTS TO CERTAIN
 12 VOTERS. (a) An election officer shall distribute written notice of
 13 the identification that will be required to vote in elections held
 14 after January 1, 2012, and information on obtaining identification
 15 without a fee under Section 521.422, Transportation Code, to each
 16 voter who, when offering to vote, presents a form of identification
 17 that will not be sufficient for acceptance as a voter under this
 18 chapter beginning with those elections.

19 (b) The secretary of state shall prescribe the wording of the
 20 notice and establish guidelines for distributing the notice.

21 (c) This section expires September 1, 2013.

22 SECTION 10. Section 63.006, Election Code, is amended to read
 23 as follows:

24 Sec 63.006. VOTER WITH REQUIRED DOCUMENTATION [CORRECT
 25 CERTIFICATE] WHO IS NOT ON LIST. (a) A voter who, when offering to
 26 vote, presents the documentation required under Subsection
 27 63.001(b) a voter registration certificate indicating that the
 28 voter is currently registered in the precinct in which the voter is

1 ~~offering to vote~~], but whose name is not on the precinct list of
2 registered voters, shall be accepted for voting if the voter also
3 presents a voter registration certificate indicating that the voter
4 is currently registered:

5 (1) in the precinct in which the voter is offering to
6 vote; or

7 (2) in a different precinct from the one in which the
8 voter is offering to vote and the voter executes an affidavit
9 stating that the voter:

10 (A) (i) is a resident of the precinct in which the
11 voter is offering to vote or is otherwise entitled by law to vote
12 in that precinct; or

13 (ii) was a resident of the precinct in which the
14 voter is offering to vote at the time the information on the
15 voter's residence address was last provided to the voter registrar;

16 (B) did not deliberately provide false information
17 to secure registration in a precinct in which the voter does not
18 reside; and

19 (C) is voting only once in the election.

20 (b) After the voter is accepted, an election officer shall:

21 (1) indicate beside the voter's name on the poll list
22 that the voter was accepted under this section; and

23 (2) if applicable, enter on the registration omissions
24 list the precinct of the voter's registration as indicated by the
25 voter's registration certificate.

26 SECTION 11. Subsection (a), Section 63.009, Election Code, is
27 amended to read as follows:

28 (a) A ~~[Except as provided by Subsection (b), a]~~ voter who does

1 not present a voter registration certificate when offering to vote,
2 and whose name is not on the list of registered voters for the
3 precinct in which the voter is offering to vote, shall be accepted
4 for provisional voting if the voter executes an affidavit in
5 accordance with Section 63.011.

6 SECTION 12. Section 63.0101, Election Code, is amended to read
7 as follows:

8 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. The
9 following documentation is an acceptable form ~~[as proof]~~ of photo
10 identification under this chapter:

11 (1) a driver's license or personal identification card
12 issued to the person by the Department of Public Safety that has
13 not expired ~~[or a similar document issued to the person by an~~
14 ~~agency of another state, regardless of whether the license or card~~
15 ~~has expired];~~

16 (2) a United States military identification card that
17 contains the person's photograph that has not expired ~~[form of~~
18 ~~identification containing the person's photograph that establishes~~
19 ~~the person's identity];~~

20 (3) a ~~[birth certificate or other document confirming~~
21 ~~birth that is admissible in a court of law and establishes the~~
22 ~~person's identity,~~

23 ~~[(4)]~~ United States citizenship certificate ~~[papers]~~
24 issued to the person that contains the person's photograph; or

25 (4) [(5)] a United States passport issued to the person
26 that has not expired ~~[(5)]~~

27 ~~[(6)] official mail addressed to the person by name from a~~
28 ~~governmental entity;~~

1 ~~(7) a copy of a current utility bill, bank statement,~~
2 ~~government check, paycheck, or other government document that shows~~
3 ~~the name and address of the voter or~~

4 ~~(8) any other form of identification prescribed by the~~
5 ~~secretary of state].~~

6 SECTION 13. Section 63.01, Election Code, is amended by
7 amending Subsections (a) and (b) to read as follows:

8 (a) A person to whom Section 63.031(g) ~~63.008(a)~~ or
9 63.009(a) applies may cast a provisional ballot if the person
10 executes an affidavit stating that the person:

11 (1) is a registered voter in the precinct in which the
12 person seeks to vote; and

13 (2) is eligible to vote in the election.

14 (b) A form for an affidavit required by this section shall be
15 printed on an envelope in which the provisional ballot voted by the
16 person may be placed and must include a space for entering the
17 identification number of the provisional ballot voted by the person
18 (7) and a space for an election officer to indicate whether the
19 person presented a form of identification described by Section
20 63.0101. The affidavit form may include space for disclosure of
21 any necessary information to enable the person to register to vote
22 under Chapter 13. The secretary of state shall prescribe the form
23 of the affidavit under this section.

24 SECTION 14. Subsection (b), Section 64.012, Election Code, is
25 amended to read as follows:

26 (b) An offense under this section is a felony of the second
27 ~~third~~ degree unless the person is convicted of an attempt. In
28 that case, the offense is a state jail felony ~~(Class A~~

1 ~~misdemeanor~~].

2 SECTION 15. Subsection (b), Section 65.054, Election Code, is
3 amended to read as follows:

4 (b) A provisional ballot shall [may] be accepted [only] if the
5 board determines that, from the information in the affidavit or
6 contained in public records, the person is eligible to vote in the
7 election and has not previously voted in that election and the
8 voter meets the identification requirements of Section 63.001(b) in
9 the period prescribed under Section 65.0541.

10 SECTION 16. Subchapter B, Chapter 65, Election Code, is
11 amended by adding Section 65.0541 to read as follows:

12 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
13 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
14 voting under Section 63.011 because the voter does not meet the
15 identification requirements of Section 63.001(b) may, not later
16 than the sixth day after the date of the election, present proof of
17 identification to the voter registrar for examination by the early
18 voting ballot board.

19 (b) The secretary of state shall prescribe procedures as
20 necessary to implement this section.

21 SECTION 17. Section 66.0241, Election Code, is amended to read
22 as follows:

23 Sec. 66.0241. CONTENTS OF ENVELOPE NO. 4. Envelope No. 4 must
24 contain:

- 25 (1) the precinct list of registered voters;
26 (2) the registration correction list;
27 (3) the registration omission list;
28 (4) any statements of residence executed under Section

1 63.0011; and

2 (5) any affidavits executed under Section 63.006
3 ~~[63.007]~~ or 63.011.

4 SECTION 18. Section 521.422, Transportation Code, is amended
5 by amending Subsection (a) and adding Subsection (d) to read as
6 follows:

7 (a) Except as provided by Subsection (d), the [The] fee for a
8 personal identification certificate is:

- 9 (1) \$15 for a person under 60 years of age;
10 (2) \$5 for a person 60 years of age or older; and
11 (3) \$20 for a person subject to the registration
12 requirements under Chapter 62, Code of Criminal Procedure.

13 (c) The department may not collect a fee for a personal
14 identification certificate issued to a person who states that the
15 person is obtaining the personal identification certificate for the
16 purpose of satisfying Section 63.001(b)(1), Election Code, and:

17 (1) who is a registered voter in this state and presents
18 a valid voter registration certificate; or

19 (2) who is eligible for registration under Section
20 13.001, Election Code, and submits a registration application to
21 the department.

22 SECTION 19. Effective January 1, 2012, Sections 63.007,
23 63.006, and 63.009(b), Election Code, are repealed.

24 SECTION 20. As soon as practicable after the effective date of
25 this Act:

- 26 (1) the secretary of state shall adopt the training
27 standards and develop the training materials required to implement
28 the change in law made by this Act to Section 32.111, Election

1 Code; and

2 (2) the county clerk of each county shall provide a
3 session of training under Section 32.114, Election Code, using the
4 standards adopted and materials developed to implement the change
5 in law made by this Act to Section 32.111, Election Code.

6 SECTION 21. (a) The change in law made by this Act applies
7 only to an offense committed on or after January 1, 2012. For
8 purposes of this section, an offense is committed before January 1,
9 2012, if any element of the offense occurs before that date.

10 (b) An offense committed before January 1, 2012, is covered by
11 the law in effect when the offense was committed, and the former
12 law is continued in effect for that purpose.

13 SECTION 22. State funds disbursed under Chapter 19, Election
14 Code, for the purpose of defraying expenses of the voter
15 registrar's office in connection with voter registration may also
16 be used for additional expenses related to coordinating voter
17 registration drives or other activities designed to expand voter
18 registration. This section expires January 1, 2013.

19 SECTION 23. Except as provided by Subsection (b) of this
20 section, this Act takes effect January 1, 2012.

21 (b) The changes in law made by Sections 1, 3, 4, 5, 9, 20, and 22
22 of this Act take effect September 1, 2011.